

**REMARKS**

This is a response to a non-final office action dated May 13, 2010. In the office action, claims 1 and 3 are rejected as being indefinite. Furthermore, claims 1-8 are rejected as obvious over prior art references. In response, claims 1 and 3 have been amended. In light of the foregoing amendments and following remarks, applicants respectfully submit that pending claims 1-8 are allowable.

**Claim Rejections – 35 U.S.C. §112**

In the office action, claims 1 and 3 stand rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter. In light of the foregoing amendments, Applicants respectfully disagree. Applicants have amended claim 1 to further clarify that “the first and second panels are superposed vertically in alternance.” Claim 3 has also been amended to further clarify that “the first and second panels extend over the entire width of the stand,” as the examiner suggested. No new matter has been added. In light of the foregoing amendment, the rejection has been overcome and should be withdrawn.

**Claim Rejections – 35 U.S.C. §103**

In the office action, claims 1-5 and 7-8 stand rejected as being obvious over U.S. Design Patent No. D250,441 (“Richman”) in view of U.S. Patent No. 2,109,586 (“Einbinder”). Claim 6 stands rejected as being obvious over Richman in view of Einbinder, and further in view of U.S. Design Patent D302,745 (“Bakic”). Applicants respectfully disagree. To support an obviousness rejection, MPEP §2143.03 requires “all words of a claim to be considered” and MPEP §2141.02 requires consideration of the “[claimed] invention and prior art as a whole.” Further, the Board of Patent Appeals and Interferences recently confirmed that a proper, post-KSR obviousness determination still requires the Office to make “a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art.” *See, In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995).

The prior art references Richman, Einbinder, and Bakic fail to meet this standard. Independent claim 1 has been amended to specify, among other things, a vertical display

stand having a plurality of non-transparent first panels and a plurality of second panels inclined relative to the first panels. The first and second panels are superposed vertically in alternance, thereby defining together crests. The first panels are adapted to accommodate articles, such as cosmetic products. At least one of the second panels is arranged opposite of one of the first panels and has a reflective surface facing slantwise forward and downward so that a person facing the stand can observe only a top portion of the articles directly or indirectly by reflection.

Richman discloses a horizontal display wherein the stages, comprised of first and second panels, are juxtaposed when viewed vertically. Richman fails to teach a vertical display stand wherein the first and second panels are superposed vertically in alternance, as is recited in the claims. Furthermore, Richman fails to disclose first and second panels inclined relative to one another defining crests, as recited in the claims. In addition, Richman does not teach second panels facing slantwise forward and downward, as recited in the claims. Moreover, Richman fails to teach at least one of the second panels having a reflective surface enabling a user to observe the top portion of articles, accommodated by the first panel, either directly or indirectly in the reflective surface.

The Examiner relies upon Einbinder to supply the deficiencies of Richman identified above. However, Einbinder fails to supply all of the deficiencies of Richman. Einbinder discloses a vertical display stand having alternate first and second panels defining crests between them. These first and second panels disclosed by Einbinder are all reflective. On the contrary, only the second panel of the claimed display is reflective. Furthermore, Einbinder teaches that the stand must have additional horizontal transparent glass plates, inserted between the first and second panels, for receiving the articles to be presented. Thus, a user facing the stand will see both the top and bottom of each article through the reflection of the first and second panels (column 3, lines 26-34). On the contrary, the first panel of the claimed display, wherein the articles lay, is non-transparent and non-reflective, thus, only the top portion of the articles are viewed in the reflection of the second panel.

The Examiner suggests that it would have been obvious to someone skilled in the art to combine the teachings of Richman and Einbinder in order to disclose the claimed invention. Applicants respectfully disagree. There is no reason why a person skilled in the art would

have transformed the horizontal display as taught by Richman into a vertical display as taught by Einbinder. However, supposing that the skilled person would have tried such modification, then the teachings of Einbinder would have suggested accommodating the displayed articles on horizontal glass plates to show both the top and bottom portions of the articles. This is contrary to the teachings of the claimed display, wherein the first panels, accommodating the articles, are non-transparent and the second panels are slanted forward and downward, thus, showing only the top portion of the articles either directly or indirectly through the reflective surface of the second panels. Therefore, the subject matter of the currently amended claim 1, as well as dependent claims 2-5 and 7-8, is not rendered obvious by the combination of Richman and Einbinder, and the obviousness rejection should be withdrawn.

In regards to claim 6, the Examiner relies on Bakic to supply the deficiencies of Richman and Einbinder identified above. Bakic teaches a cosmetic case having a transparent cover. Bakic in no way teaches a vertical display stand having a plurality of non-transparent first panels and a plurality of second panels, wherein the first and second panels are superposed vertically in alternance defining crests. In addition, Bakic fails to teach at least one of the second panels being arranged opposite of one of the first panels and having a reflective surface facing slantwise forward and downward so that a person facing the stand can observe only a top portion of the articles directly or indirectly by reflection.

Furthermore, Bakic fails to teach first panels adapted to accommodate articles, such as cosmetic products. Bakic teaches a design for a cosmetic product, wherein the transparent cover protects the material within the cosmetic product casing. Bakic does not teach a transparent plate pivotally attached to each first panel to cover the cosmetic products laying in the plurality of recesses of the first panel, as is recited in claim 6.

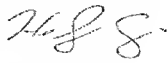
In light of the foregoing remarks, it is clear that Richman, Einbinder, and Bakic fail to disclose or suggest all of the elements of the claims. Thus, as the combination of the prior art references fail to disclose or suggest all of the elements of the claims, the obviousness rejection must fail and should be withdrawn.

**CONCLUSION**

In light of the foregoing, applicants respectfully submit that each of the currently pending claims 1-8 are in condition for allowance and respectfully solicit the same. If a telephone call would expedite prosecution of the subject application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

By \_\_\_\_\_

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